

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>BATES ENERGY OIL &amp; GAS LLC,</b>	§	
	§	
v.	§	<b>CIVIL ACTION NO. 17-CV-00808-XR</b>
	§	
<b>COMPLETE OIL FIELD SERVICES LLC</b>	§	
<b>AND SAM TAYLOR</b>	§	

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**COUNTER DEFENDANTS UNLIMITED FRAC SAND LLC D/B/A/  
FRAC SAND UNLIMITED, DAVID BRAVO, LORENA SILVISTRI BRAVO,  
INDIVIDUALLY AND D/B/A BRAVO CONSULTING SERVICES'S ANSWER**

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Counter Defendants Unlimited Frac Sand LLC d/b/a Frac Sand Unlimited ("Unlimited"); David Bravo ("Bravo"), Lorena Silvestri Bravo ("Lorena"), individually and d/b/a Bravo Consulting Services ("Silvestri") answer Counter-Plaintiff Complete Oil Field Services, LLC's ("COFS") Third Amended Counterclaim as follows. Bravo and Lorena answer as would Unlimited:

1. Unlimited denies participating in the acts described in paragraph 1 of the counterclaim and denies doing any act which damaged COFS. Unlimited lacks sufficient information to form a brief concerning the truth of the remaining allegations in Paragraph 1.
2. Unlimited admits the jurisdictional facts in Paragraph 2.
3. Unlimited admits the amount in controversy in this matter exceeds \$75,000 but lacks sufficient information to form a belief concerning the truth of the

- remaining allegation in Paragraph 3.
4. Unlimited admits the venue facts stated in Paragraph 4.
  5. Unlimited admits the facts regarding parties stated in Paragraph 5.
  6. Unlimited admits the facts regarding parties stated in Paragraph 6.
  7. Unlimited admits the facts regarding parties stated in Paragraph 7.
  8. Unlimited admits the facts regarding parties stated in Paragraph 8.
  9. Unlimited admits the facts regarding parties stated in Paragraph 9.
  10. Unlimited admits the facts regarding parties stated in Paragraph 10.
  11. Unlimited admits the facts regarding parties stated in Paragraph 11.
  12. Unlimited admits the facts regarding parties stated in Paragraph 12.
  13. Unlimited admits the facts regarding parties stated in Paragraph 13.
  14. Unlimited admits the facts regarding parties stated in Paragraph 14.
  15. Unlimited admits the facts regarding parties stated in Paragraph 15.
  16. Unlimited admits the facts regarding parties stated in Paragraph 16.
  17. Unlimited admits the facts regarding parties stated in Paragraph 17.
  18. Unlimited admits the facts regarding COFS stated in Paragraph 18.
  19. Unlimited admits the oil and gas fracking industry has been robust in recent years and that the demand for frac sand is substantial and competitive. Unlimited lacks sufficient information to form a belief concerning the truth of the remaining assertions in Paragraph 19.
  20. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 20.
  21. Unlimited lacks sufficient information to form a belief concerning the truth of

- the allegation in Paragraph 21.
22. Unlimited lacks sufficient information to form a belief as to the truth of the allegation in Paragraph 22.
23. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 23.
24. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 24.
25. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 25.
26. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 26.
27. Unlimited admits COFS entered into a memorandum of understanding with Bates Energy, but lacks sufficient information to form a belief concerning the truth of remaining allegations in Paragraph 27.
28. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 28.
29. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 29.
30. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 30.
31. Unlimited admits the allegation in Paragraph 31.
32. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 32.

33. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 33.
34. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 34.
35. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 35.
36. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 36.
37. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 37.
38. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 38.
39. Unlimited lacks sufficient information to form a belief as to the truth of the allegation in Paragraph 39.
40. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 40.
41. Unlimited lacks sufficient information to form a belief as to the truth of the allegation in Paragraph 41.
42. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 42.
43. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 43.
44. Unlimited lacks sufficient information to form a belief concerning the truth of

- the allegation in Paragraph 44.
45. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 45.
46. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 46.
47. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 47.
48. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 48.
49. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 49.
50. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 50.
51. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 51.
52. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 52.
53. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 53.
54. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 54.
55. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 55.

56. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 56.
57. Unlimited admits David Bravo managed Frac Sand Unlimited. Unlimited denies Mark Sylia or Audra Vega managed Frac Sand Unlimited. Unlimited lacks sufficient information to admit or deny the remaining allegation in Paragraph 57.
58. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 58.
59. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 59.
60. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 60.
61. Unlimited denies it “knew funds should not have been disbursed absent notice to and consent by COFS.” Unlimited lacks sufficient information to form belief concerning the truth of the remaining allegations in Paragraph 61.
62. Unlimited denies the allegation in Paragraph 62.
63. Unlimited denies “absconding” with \$652,000 of COFS’s funds. Unlimited lacks sufficient information to form belief concerning the truth of the remaining allegations in Paragraph 63.
64. Unlimited denies using “various techniques” to conceal unlawful disbursement of COFS’s funds. Unlimited lacks sufficient information to form a belief concerning the remaining allegations in Paragraph 64.
65. Unlimited lacks sufficient information to form a belief concerning the truth of

- the allegation in Paragraph 65.
66. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 66.
67. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 67.
68. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 68.
69. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 69.
70. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 65.
71. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 71.
72. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 72.
73. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 73.
74. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 74.
75. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 75.
76. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 76.

77. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 77.
78. Unlimited denies using Boerne, Texas Company Tier 1 Sands LLC for fraudulent transactions. Unlimited lacks sufficient information to form a belief concerning the truth of the remaining allegations in Paragraph 78.
79. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 79.
80. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 80.
81. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 81.
82. Unlimited denies the allegation in Paragraph 82.
83. Unlimited lacks information sufficient to form a belief concerning the truth of the allegation in Paragraph 83.
84. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 84.
85. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 85.
86. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 86.
87. Unlimited lacks sufficient information to form a belief as to the truth of the allegation in Paragraph 87.
88. Unlimited admits Bravo received the correspondence described. Unlimited



lacks sufficient information to form a belief concerning the truth of the remaining allegations in Paragraph 88.

89. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 89.

90. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 90.

91. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 91.

92. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 92.

93. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 93.

94. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 94.

95. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 95.

96. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 96.

97. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 97.

98. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 98.

99. Unlimited lacks sufficient information to form a belief concerning the truth of

- the allegation in Paragraph 99.
100. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 100.
101. Unlimited denies the allegation in Paragraph 101.
102. Unlimited denies the allegation in Paragraph 102.
103. Unlimited denies the allegation in Paragraph 103.
104. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 99.
105. Unlimited denies the allegation in Paragraph 105.
106. Unlimited denies the allegation in Paragraph 106.
107. Unlimited admits Bravo testified in the injunction hearing. Unlimited denies the remaining allegation in Paragraph 107.
108. Unlimited denies the allegation in Paragraph 108.
109. Unlimited denies the allegation in Paragraph 109.
110. Unlimited denies the allegation in Paragraph 110.
111. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 111.
112. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 112.
113. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 113.
114. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 114.

- 115. Unlimited denies the allegation in Paragraph 115.
- 116. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 116.
- 117. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 117.
- 118. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 118.
- 119. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 119.
- 120. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 120.
- 121. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 121.
- 122. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 122.
- 123. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 123.
- 124. Unlimited denies the allegation in Paragraph 124.
- 125. Unlimited denies the allegation in Paragraph 125.
- 126. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 126.
- 127. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 127.

128. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 128.

129. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 129.

130. Unlimited denies the allegation in Paragraph 130.

131. Unlimited denies the allegation in Paragraph 131.

132. Unlimited denies the allegation in Paragraph 132.

133. Unlimited denies the allegation in Paragraph 133.

134. Unlimited denies the allegation in Paragraph 134.

135. Unlimited denies the allegation in Paragraph 135.

136. Unlimited denies the allegation in Paragraph 136.

137. Unlimited denies the allegation in Paragraph 137.

138. Unlimited denies the allegation in Paragraph 138.

139. Unlimited denies the allegation in Paragraph 139.

140. Unlimited denies the allegation in Paragraph 140.

141. Unlimited denies the allegation in Paragraph 141.

142. Unlimited denies the allegation in Paragraph 142.

143. Unlimited denies the allegation in Paragraph 143.

144. Unlimited denies the allegation in Paragraph 144.

145. Unlimited denies the allegation in Paragraph 145.

146. Unlimited denies the allegation in Paragraph 146.

147. Unlimited denies the allegation in Paragraph 147.

148. Unlimited denies the allegation in Paragraph 148.

- 149. Unlimited denies the allegation in Paragraph 149.
- 150. Unlimited denies the allegation in Paragraph 150.
- 151. Unlimited denies the allegation in Paragraph 151.
- 152. Unlimited denies the allegation in Paragraph 152.
- 153. Unlimited denies the allegation in Paragraph 153.
- 154. Unlimited denies the allegation in Paragraph 154.
- 155. Unlimited denies the allegation in Paragraph 155.
- 156. Unlimited denies the allegation in Paragraph 156.
- 157. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 157.
- 158. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 158.
- 159. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 159.
- 160. Unlimited lacks sufficient information to form a belief concerning the truth of the allegation in Paragraph 160.
- 161. Unlimited denies the allegation in Paragraph 161.
- 162. Unlimited denies the allegation in Paragraph 162.
- 163. Unlimited denies the allegation in Paragraph 163.
- 164. Unlimited denies the allegation in Paragraph 164.
- 165. Unlimited denies the allegation in Paragraph 165.
- 166. Unlimited denies the allegation in Paragraph 166.

WHEREFORE, PREMISES CONSIDERED, Counter Defendant Unlimited Frac Sand LLC, d/b/a/ Frac Sand Unlimited, David Bravo, Lorena Silvestri Bravo, individually and d/b/a Bravo Consulting Services prays that COFS take nothing by this suit, that Unlimited recover its costs, including reasonable and necessary attorneys fees, and for such other relief as it may show itself entitled.

Respectfully submitted,

/s/ Austin Kaplan

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**ATTORNEY FOR COUNTER DEFENDANT  
UNLIMITED FRAC SAND LLC,  
D/B/A/ FRAC SAND UNLIMITED**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2018, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system and served all counsel of record in accord in the Federal Rules of Civil Process.

/s/ Austin Kaplan  
Austin Kaplan